

PECHINEY CAST PLATE, INC  
2700 Daybreak Parkway  
South Jordan, Utah 84095

BOYLE AT 54TH, LLC  
3010 Old Ranch Parkway, Suite 470  
Seal Beach, CA 90740

November 25, 2015

Nathan Dadap  
United States EPA  
Region 9, Land Division, RCRA Branch  
75 Hawthorne Street  
San Francisco, CA 94105

*Re: Former Pechiney Cast Plate, Inc. Facility in Vernon, California  
U.S. EPA Conditional Approval Under 40 CFR 761.61(c)*

Dear Mr. Dadap:

Pechiney Cast Plate, Inc. (“Pechiney”) is requesting two exceptions to the United States Environmental Protection Agency’s (“U.S. EPA”) Conditional Approval letter dated July 2, 2010, with respect to its former facility in Vernon, California (the “Site”) relating to polychlorinated biphenyls (“PCBs”). This request letter provides a brief status of the remediation at the Site, and requests one exception to remove a small area of PCB impacted soil located at a depth of 12 feet and a second exception regarding the timing of the recording of the restrictive covenant (referred to as a Land Use Covenant (“LUC”)). This letter also provides a brief description of the activities that the new owners of the Site are planning at the Site in the near term.

1. Status of Remediation at the Site

On July 9, 2009, AMEC submitted to EPA on behalf of Pechiney the “*Polychlorinated Biphenyls Notification Plan Former Pechiney Cast Plant, Inc. Facility Vernon, California*” (the “Application”). Amendments to the Application were submitted on March 16, 2010 and April 12, 2010. On July 2, 2010, EPA conditionally approved the Application in the “*Polychlorinated Biphenyls - U.S. EPA Conditional Approval Under 40 CFR 761.61(c), Toxic Substances Control Act*” (the “Conditional Approval”). In the Conditional Approval, U.S. EPA also deferred the approval of the PCB remediation goals until additional PCB sampling results and information were submitted to U.S. EPA. On December 29, 2010, the results of the additional sampling were submitted. On July 1, 2011, U.S. EPA granted conditional approval of the PCB remediation goals.

On May 7, 2012, AMEC submitted a revised “*Remedial Action Plan*” (the “RAP”). Among other things, the RAP described the remediation of PCBs at the Site. The RAP was approved by the Department of Toxic Substances Control (“DTSC”) on June 28, 2012. The PCB elements of the RAP were conditionally approved by U.S. EPA. The RAP included remedial action objectives (“RAOs”), the criteria used to establish the RAOs, site-specific risk-based remediation

goals for soil, a description of the scope of the remedial action and protocols for verification sampling.

During 2013 and 2014, AMEC implemented the RAP, which included extensive soil and concrete removal; removal of piping, debris and refractory material; removal of subsurface structures; and verification sampling. PCBs remain in soil and/or concrete at concentrations above 23 milligrams per kilogram (“mg/kg”) at depth in five areas, which were capped with concrete and geotextile liner (referred to as an underground warning barrier (“UWB”)). Due to the amount of work involved, Remedial Action Completion Reports (“RACRs”) were submitted in phases. Status of DTSC approval of the RACRs is as follows:

- *Phase I.* Submitted on June 6, 2014. Revised version submitted on November 13, 2014. Approved by DTSC on June 29, 2015.
- *Phase II.* Submitted on November 7, 2014. DTSC’s review is in process.
- *Phases III, IV and IV.* Submitted on October 7, 2014. Revised versions submitted on July 31, 2015 and September 4, 2015. Approved by DTSC on June 30, 2015.
- *Phase V.* Submitted on September 26, 2014. Revised version submitted on June 24, 2015. Approved by DTSC on June 26, 2015.

U.S. EPA has not approved the RACRs, as they related to PCBs, at this point. We understand that U.S. EPA’s approval is forthcoming.

A Soil Management Plan (“SMP”) for the Site was originally submitted on February 24, 2015. The SMP is a plan that describes the protocols for handling and managing soil, including soil containing residual contamination following Site remediation, that may be encountered during future Site grading and Site redevelopment. Based on comments received from U.S. EPA and DTSC, revised versions of the SMP were submitted on September 18, 2015 and November 5, 2015. The SMP has not yet been approved by DTSC or U.S. EPA.

Pechiney has sold one portion of the Site (“South Property”) to a developer (“South Property Owner”). The South Property Owner plans to begin grading the South Property in December 2015. The South Property will be redeveloped as a warehouse and distribution center. Pechiney is under contract to sell the other portion of the Site (“North Property”) to a developer (“North Property Owner”). The North Property Owner plans to begin grading the North Property in January 2016. The North Property will be redeveloped as a recycling center.

Land Use Covenants (“LUCs”) for the South Property and the North Property were submitted as preliminary drafts on June 16, 2014. LUCs are required when residual PCB contamination will remain at a property under 40 CFR 761.61(a)(8) and under the RAP. Among other things, the LUCs will preclude residential use. The South Property and North Property are zoned industrial/commercial and the City of Vernon does not permit new residential construction. Revised versions of the LUCs were submitted on November 5, 2015. We understand that the LUCs are currently under review.

## 2. Requests for Exceptions

*Small Area of PCB Contamination in Phase II.* A small volume of PCB-contaminated soil (concentrations of total Aroclors slightly above the 23 ppm cleanup goals) exists at a depth of 12 feet on the Phase II portion of the North Property. As has been discussed, the volume of soil will be removed and disposed off-site and verification sampling will be conducted. This work will begin on November 24, 2015.

Given the status of this removal work, we are requesting that the Phase II RACR be approved. Documentation of the soil removal and verification sample results will be submitted as soon as the data are available. This appears to be the most efficient and cost-effective way to address this issue.

*Timing for Recording of the LUCs.* The Application did not address the timing for recording of the LUCs. The Conditional Approval requires that Pechiney or the new property owner record the LUCs “within 75 days of completion of the PCB cleanup” under Conditional Approval Section C(9). It is unclear when the 75-day clock for recording the LUC starts—upon actual in-field completion of the cleanup, upon formal approval of the RACRs, or upon approval of the LUCs. In any event, we are informed that the review cycle upon submittal of the final form of the LUCs will likely be longer than 75 days.

As such, we are requesting an exception to the requirement of Section C(9) of the Conditional Approval to allow the LUCs to be recorded as soon as possible. This appears to be a more reasonable and realistic way to proceed for all the parties. We are also seeking confirmation that construction grading work can begin before the LUCs are recorded. On this project, the South Property Owner and North Property Owner are both aware of the condition of the Site and the restrictions that have been placed upon it and will fully comply with the SMP as outlined below.

## 3. Description of Future Activities

Based on information provided by the South Property Owner and the North Property Owner, planned future activities at the Site can be described as follows:

- The South Property Owner plans to begin grading at the South Property in December 2015. Construction will continue into the Third Quarter of 2016. The South Property includes Phases II (southern portion), III, IV, V and VI (southern portion) of the Site.
- The North Property Owner plans to begin grading at the North Property in January 2016. Construction will continue into the Fourth Quarter of 2016. The North Property includes Phases I, II (northern portion) and VI (northern portion) of the Site.
- The South Property Owner and North Property Owner will fully comply with the approved SMP, including procedures for monitoring, soil testing, equipment decontamination, managing and testing soils and site access.
- The South Property Owner and North Property Owner will monitor Site soils for VOCs in accordance with SCAQMD Rule 1166. Dust and odor control measures will be implemented in accordance with SCAQMD regulations, including Rule 403.

- If impacted soil is observed, soil sampling and analysis for PCBs, TPH and VOCs will be conducted in conformance with the SMP. Removed soil will be managed in conformance with the SMP. Sampling equipment will be decontaminated in conformance with the SMP and investigation derived residuals will be managed in accordance with regulatory requirements.
- The site is a balanced site for grading purposes. However, if soils need to be imported or exported from the Site for whatever reason, such soils will be sampled in conformance with the SMP.
- It is anticipated that all soils will be returned to the soil interval from which the soil was encountered. However, if this is not possible for whatever reason, such soils will be managed in conformance with the SMP. Areas where soil disturbance occurs or where soil is removed and placed on-site will be documented and surveyed in conformance with the SMP.
- Vehicle and personnel access to areas where potentially impacted soils may be encountered will be controlled in conformance with the requirements of the SMP.
- Project personnel will comply with all applicable federal, state and local regulations, including Title 8 Safety Orders and OSHA regulations. A site-specific health and safety plan ("HASP") will be prepared prior to grading and all work at the Site will be conducted in conformance with the HASP.
- A Low Impact Development ("LID") Report has been prepared for the Site to ensure compliance with the Los Angeles County 2014 LID Standards Manual. The project meets LID volume requirements and the required maximum discharge requirements.
- Grading will be conducted in conformance with the Construction General Stormwater Permit, Order No. 2009-0009-DWQ, as amended, and stormwater controls will be implemented during grading and earthwork pursuant to the site-specific Stormwater Pollution Prevention Plan.
- LUCs for the South Property and the North Property will be recorded as soon as possible following approval.

#### 4. Conclusions

As you are likely aware, California has established a goal of diverting 75 percent of its solid waste stream from landfills by 2020. Additional recycling capacity is needed to reach that goal. The recycling center planned for the North Property is critical infrastructure in that regard. The North Property Owner plans to begin grading in January 2016, to move the recycling center project forward.

We are seeking assurances that the RACRs and SMP will be approved as soon as reasonably possible so that grading at the South Property and grading at the North Property can begin and both projects can remain on schedule. For planning purposes, we are seeking a firm time commitment for RACR and SMP approvals to the extent feasible.

In addition, we are seeking an exception the Condition C(9) of the Conditional Approval to allow the LUCs to be recorded as soon as possible after approval, rather than 75 days after completion of the PCB cleanup. This will allow both development projects to stay on schedule.

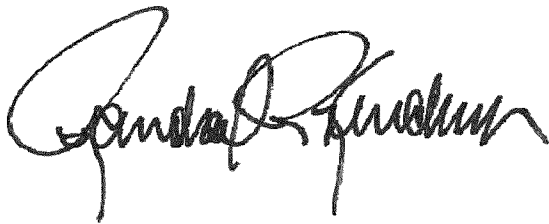
Finally, we are requesting the Phase II RACR be approved, given that the one small area of PCB contamination is being excavated. This is the most efficient way to address this minor item and will also help in keeping the project on schedule.

Thank you for all of your work on this important project. Please do not hesitate to contact us if you have questions regarding our requests. We will call you within the next several days to continue our communication on these important issues.

Very truly yours,



Gerald Pepper  
PECHINEY CAST PLATE, INC.



Randy Kendrick  
BOYLE AT 54TH, LLC

cc: Carmen Santos, EPA Region 9  
William Adams, Pechiney  
Linda Conlan, Amec Foster Wheeler  
Chand Sultan, DTSC Chatsworth  
Samuel Kevin Wilson, City of Vernon